

**Tennessee Board of Architectural and Engineering Examiners  
Board Meeting  
Davy Crockett Tower  
Nashville, Tennessee**

May 22, 2008

**Board Members Present**

Bob Campbell, Professional Engineer  
James Hastings, Registered Architect  
Philip Lim, Professional Engineer  
Bill Lockwood, Registered Landscape Architect  
David Schuermann, Registered Architect  
Richard Thompson, Registered Architect  
Brenda Wood, Public Member

**Board Members Absent**

Dana Miller, Registered Interior Designer  
William Stockard, Professional Engineer

**Associate Board Members Present**

Dennis Henderson, Professional Engineer  
Carlton Norris, Professional Engineer

**Associate Board Member Absent**

Raymond White, Professional Engineer

**Staff Present**

Robert Herndon, Legal Counsel  
John Cothron, Executive Director  
Wanda Phillips, Administrative Manager  
Wanda Garner, Administrative Assistant

**Guests**

The following guests attended all or part of the Board meeting:  
Al Bodie, American Society of Landscape Architects, Tennessee Chapter (TN-ASLA)  
Candy Toler, Tennessee Society of Professional Engineers/American Council of  
Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Connie Wallace, American Institute of Architects Tennessee (AIA TN)  
Greg Thomas, Community Development Director, City of Cleveland (TN)

**CALL TO ORDER**

Jim Hastings, vice chair, called the meeting to order at 9:05 a.m. Roll call determined that a quorum was present.

Mr. Hastings introduced Bill Lockwood, who, as the newly appointed landscape architect, will complete the term of John Love. Robert Herndon was introduced as the Board's legal counsel.

There were no changes made to the agenda.

## **RULEMAKING HEARING**

Mr. Hastings turned the meeting over to Robert Herndon, Legal Counsel to the Board, who called the rulemaking hearing to order at 9:10 a.m.

### *Purpose of the Rulemaking Hearing*

Mr. Herndon pointed out that the purpose of this hearing is to consider the promulgation of rules and amendments to rules pursuant to *Tennessee Code Annotated*, 62-2-203(c) and conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated*, 4-5-204. Upon conclusion of the hearing and adoption of the proposed rules, they will be forwarded to the Attorney General's office for review of their legality. If approved, they will then be filed with the Secretary of State and the Government Operations Committee of the General Assembly. The effective date of the rules will be 75 days after filing with the Secretary of State's office.

### *Notice of the Rulemaking Hearing*

Notice of the hearing was published in the April 2008 issue of the *Tennessee Administrative Register*. Mr. Cothron stated that a summary of the notice was published in the Fall/Winter edition of the Board's newsletter, *Tennessee Design Lines*, which was posted on the Board's website and distributed to all registrants and exam applicants.

Mr. Herndon explained the procedure to be followed in the rulemaking hearing and read into the record each proposed rule. (Proposed rules are attached.)

There were no comments regarding the proposed amendments to the rules.

Board members reviewed the Economic Impact Statement (attached) and agreed that, because this Board licenses individuals and not businesses, the adoption of the proposed rule changes would not impact small businesses.

By roll call, each Board member present voted to adopt the proposed rule changes as presented.

Mr. Herndon then adjourned the rulemaking hearing at 9:25 a.m.

## **CONSENT AGENDA**

### *Approval of Staff Complaint Report (attached)*

Mr. Schuermann, seconded by Mr. Campbell, moved to accept the recommendations presented in the Complaints for Board Decision. The motion passed unanimously.

### *Approval of Minutes (attached)*

Mr. Campbell, seconded by Mr. Thompson, moved to accept the minutes of the March 13, 2008 meeting as written. The motion passed unanimously.

## **DIRECTOR'S REPORT**

Mr. Cothron submitted the following report:

- He spoke to a civil engineering class at Tennessee Tech on March 17, 2008 regarding registration requirements.

- He and Jim Hastings attended the NCARB regional meeting in Englewood, Colorado on March 27-29, 2008.
- He and Carolyn Lazenby, Executive Director of the Contractors Board, spoke at the Tennessee Building Officials Association Annual Conference in Nashville on March 21.
- All of the grant contracts have been approved, and the schools have received the grant funds.
- The Board office is scheduled to move to the 8<sup>th</sup> floor of the Andrew Johnson Tower on June 16-17. The mailing address will remain unchanged.
- Board staff received new computers this month.
- Any articles for the Spring/Summer 2008 newsletter should be submitted as soon as possible.
- Effective May 5, 2008, out-of-state travel is limited to emergency or mandatory situations only, and all out-of-state travel requests must be approved by the Commissioner of Finance and Administration. Mr. Cothron may continue to request out-of-state travel if the Board feels it is necessary, but all travel requests will be subjected to greater scrutiny.

*Complaint Data* (attached)

*Licensing Data* (attached)

Complaint data and licensing data were submitted for informational purposes only.

*Financial Data* (attached)

Mr. Lim submitted and reviewed the financial report.

## **OLD BUSINESS**

*Action Items* (attached)

A resolution recognizing John Love's service to his community and to the Board was prepared for Board members' signatures.

*As-Built Drawings Policy* (attached)

Mr. Campbell, seconded by Mr. Lockwood, moved to adopt the policy regarding as-built drawings. The motion passed unanimously.

*Renewal Form Modifications* (attached)

Mr. Thompson, seconded by Ms. Wood, moved to approve the revised renewal form. The motion passed unanimously. For clarification, the phrase, "please do not send PDH documentation" will be moved to the end of the first paragraph.

*Delineation of Engineering and Surveying*

Upon the recommendation of Mr. Herndon, Mr. Lim, seconded by Mr. Campbell, moved to rescind the Board's policy regarding Delineation of Engineering and Surveying, and for Mr. Herndon to draft a summary of the 2004 Attorney General's opinion for use as a reference as to why the policy was rescinded. The motion passed unanimously. Mr. Cothron will notify the Land Surveyor's Board of this Board's action.

## **NEW BUSINESS**

### *Officer Elections*

There being no other nominations, Mr. Thompson, seconded by Mr. Schuermann, moved the approval of the following as officers of the Board for 2008-2009:

- Jim Hastings, chair
- Bob Campbell, vice-chair
- Philip Lim, secretary

The motion passed unanimously.

### *Proposed Bylaws (attached)*

Discussion of the proposed bylaws for the Board of Architectural and Engineering Examiners was deferred until the next Board meeting.

### *National Council of Architectural Registration Boards Regional Meeting Report (NCARB)*

A summary of issues discussed at the NCARB Regional Meeting is attached.

It was reiterated that schools might use grant money (given by the Board) to pay the fee required of architectural students to enroll in NCARB's Intern Development Program.

Mr. Schuermann, seconded by Mr. Thompson, moved to submit the following question to the Continuing Education Committee for discussion: May a Board member claim, as professional development hours, time spent serving on a committee of a national council, i.e., NCARB, NCEES, CLARB, or NCIDQ? The motion passed unanimously. A meeting of the Continuing Education Committee will be scheduled for July.

### *Sign Exemptions (attached)*

Mr. Thompson reported that the Reference Manual Revision Task Force met to discuss adding a sign exemption to the seal exemptions policy. Mr. Thompson, seconded by Mr. Lockwood, moved to add the following paragraph to the policy: Non-electrical signs not exceeding a maximum of thirty-two square feet (32 sq. ft.) in total sign face and a maximum height of eight feet (8 ft.) above grade. The motion passed unanimously.

### *Continuing Education Reciprocity with South Carolina (correspondence attached)*

In response to action taken by the South Carolina Board of Architecture, Mr. Schuermann, seconded by Mr. Thompson, moved to rescind Tennessee's continuing education reciprocity agreement with the South Carolina Board of Architecture. The motion passed unanimously.

## **PROFESSIONAL SOCIETY REPORTS**

*Candy Toler*, TSPE/ACEC-TN submitted the following report:

- Ms. Toler thanked the Board and Greg Thomas for their help in addressing the sign issue (see Sign Exemptions).
- The Annual TSPE/ACEC meeting is scheduled for June 12-13, 2008.
- Several sessions are planned regarding sustainable design.
- ACEC is sponsoring a leadership development program.
- An article regarding the Board's issuance of grants appears in TSPE's June newsletter.

Ms. Toler noted that

- the Tennessee Interior Design Consumer Protection Act failed;
- the bill raising the threshold for public works projects that require an architect, engineer, or landscape architect failed;
- the dispute with the Land Surveyor's Board over the delineation of engineering and surveying may prompt legislation next year;
- the soil scientist legislation will be reintroduced next year; and
- enabling legislation passed establishing a plans review dispute resolution process. The State Fire Marshal's Office will prepare rules detailing the process.

*Connie Wallace*, AIA TN, submitted the following report:

- She will contact AIA in South Carolina regarding the South Carolina Board of Architecture rescinding the continuing education reciprocity agreement. Mr. Schuermann asked her to let it be known that Tennessee is willing to reinstate the agreement.
- Marleen Davis, former Dean of Architecture at the University of Tennessee Knoxville, is now the Vice President/President-Elect of the Association of Collegiate Schools of Architecture (ACSA).
- She suggested that the Board look at legislation closely in January and February in an effort to become aware of bills that might affect the professions that the Board regulates.
- She expressed concern about sustainability and energy conservation legislation.
- The AIA TN Convention is scheduled for July 16-19, 2008.
- AIA TN is offering a free Architect Registration Exam (ARE) review course and Intern Development Program (IDP) seminar.
- At the AIA TN Convention, Mr. Thompson will be a participant at a two-hour session regarding licensure.
- The Commissioner of Commerce and Insurance will soon make a decision regarding the adoption of fire codes.

*Al Bodie*, American Society of Landscape Architects, Tennessee Chapter (TN-ASLA) thanked Mr. Lockwood for accepting the appointment to the Board, and he thanked Ms. Wallace for the work she did on defeating a public works bill.

Break 11:10-11:20 a.m.

Mr. Lim, seconded by Ms. Wood, moved that the Law and Rules Committee take responsibility for bringing to the attention of the Board bills that come before the legislature that concern the design professionals. The motion passed unanimously. Mr. Hastings granted Mr. Thompson's request to be a member of the Law and Rules Committee.

**LEGISLATIVE UPDATE** (attached)

Ms. Toler and Ms. Wallace discussed the status of several bills that were of interest to the Board (see Professional Society Reports).

**LEGAL CASE REPORT** (presented by Robert Herndon) (attached)

1. *Case #L07-AEL-RBS-2007061671* *Complaint #200706167*  
Mr. Campbell, seconded by Mr. Thompson, moved to dismiss and close the case via the Board's voluntary non-suit. The motion passed unanimously.
2. *Case #L07-AEL-RBS-2007087731* *Complaint #200708773*  
Mr. Thompson, seconded by Mr. Lim, moved to authorize and accept the Consent Order for a civil penalty of \$500.00 and close the case. The motion passed unanimously.
3. *Case #L08-AEL-RBS-2008010401* *Complaint #200801040*  
Mr. Campbell, seconded by Mr. Thompson, moved to authorize a Consent Order for a civil penalty of \$500.00. The motion passed unanimously.

Mr. Thompson, seconded by Ms. Wood, moved to accept the Consent Orders and close the following cases:

1. *Case #L07-AEL-RBS-2007069021* *Complaint #200706902*
2. *Case #L07-AEL-RBS-2007086601* *Complaint #200708660*
3. *Case #L08-AEL-RBS-2008001611* *Complaint #200800161*

The motion passed unanimously.

Mr. Schuermann, seconded by Mr. Thompson, moved that in order for the Architects and Engineers Board to meet its mission statement "to protect the public health, safety and welfare..." the Board considers it necessary and mandatory to represent its registrants at regional and national professional meetings as a voting member. The motion passed unanimously.

Mr. Schuermann, seconded by Mr. Campbell, moved to adjourn. The motion passed unanimously. The meeting adjourned at 11:40 a.m.

**ATTACHMENTS**

Notice of Rulemaking Hearing  
Staff Complaint Report  
Minutes of the March 13, 2008 Meeting  
Complaint Data  
Licensing Data  
Financial Data  
Action Items  
Revised As-Built Drawings Policy  
Revised Renewal Form  
NCARB Regional Meeting Report  
Sign Exemptions  
Correspondence from the SC Board of Architecture  
Summary of Pending Legislation  
Legal Case Report